

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

USA,

Plaintiff,

v.

Case No. 4:12-cr-177-03

Zachary Russell Mills,

Defendant.

Clerk's Minutes of Proceedings

The Honorable Daniel L. Hovland

Bismarck, North Dakota

Court Reporter: Sandie Ehrmantraut

Proceeding: Sentencing Hearing

Appearances:

Damian Huettl, CJA, for Defendant

Lisa Hay, AFD District of Oregon, for Defendant, via video

David Hagler, ASUA, for Plaintiff

Date: November 4, 2013

Time: 11:00 a.m.

Recess: 12:25 p.m.

Clerk: Kari M. Knudson

USPO: Kera Helderop

Court in session – Defendant present.

Court notes appearance of counsel.

Defense counsel requests transcript of hearing be sealed.

Court grants request.

The parties have no factual disputes or objections to the Sentencing Guideline calculations.

Leland Hale, sworn and testifies for the defendant, via video.

Mike Hugger, sworn and testifies for the defendant, via video.

Mike McFarland, Pretrial Service Officer, USPO - Oregon, sworn and testifies for the defendant, via video.

Michelle Mills, sworn and testifies for the defendant.

Court entertains sentencing recommendations from the parties.

Government moves for a departure from the Sentencing Guidelines.

Defendant addresses the Court.

The Court adopts the factual findings and Sentencing Guideline calculations set forth in the PSR.

Court grants the Government's request for a downward departure.

Sentence imposed.

The defendant informed of his right to appeal.

Government moves to dismiss Counts Two and Three of the Indictment. Court grants motion.

Court in recess.